

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:13CR-105
)	
Plaintiff,)	
)	
vs.)	MOTION FOR EXTENSION OF TIME
)	TO FILE MOTION FOR NEW TRIAL
TIMOTHY DEFOGGI,)	AND MOTION FOR
)	JUDGMENT OF ACQUITTAL
Defendant.)	

COMES NOW the Defendant, Timothy DeFoggi, by and through undersigned counsel, and requests an extension of time to file a Motion for a New Trial and Motion for Judgment of Acquittal for the following reasons:

1. Counsel was just retained by a family member to represent the Defendant.
2. Defendant was convicted by a jury of seven (7) counts relating to child exploitation and child pornography on August 26, 2014.
3. Federal Rules of Criminal Procedure 33(b)(2), Motion for New Trial, and 29(c), Motion for Judgment of Acquittal following a jury verdict, must be filed within fourteen (14) days, making that deadline September 9, 2014.
4. Defendant has requested that Court Reporter Brenda L. Fauber prepare a transcript of the trial.
5. Ms. Fauber advises she can prepare the transcript in thirty (30) days at regular cost.
6. Counsel desires an extension of thirty (30) days from receipt of the trial transcript to prepare the post-conviction motions cited above.
7. Assistant United States Attorney Michael Norris has no objection to the Court granting the requested extension.

8. Counsel has reviewed the Court's Order on Sentencing Schedule (Filing #220).
9. If the trial transcript was prepared for counsel's review by October 6, 2014, counsel would make his best effort to file the motions as expeditiously as possible, and does not anticipate requesting a continuance of any dates on the Order of Sentencing Schedule.

WHEREFORE, Defendant prays that the Court extend the time to file a Motion for New Trial and Judgment of Acquittal until thirty (30) days following the filing of the trial transcript, and for such other and further relief as the Court deems just and equitable.

TIMOTHY DEFOGGI, Defendant,

By: s/Stuart J. Dornan
STUART J. DORNAN, #18553
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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2014, I electronically filed the foregoing document with the Clerk of the District Court using the CM/ECF system which sent notification of such filing to the following:

Michael P. Norris, United States Attorney
Keith A. Becker, United States Department of Justice, Child Exploitation Section
Sarah Chang, United States Department of Justice

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

N/A

s/Stuart J. Dornan
STUART J. DORNAN, #18553
Attorney for Defendant